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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,731	07/28/2003	Manish K. Deliwala	03292.101710	4018
66569 7590 10/03/2007 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER OBEID, FAHD A	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,731

Applicant(s)

DELIWALA ET AL.

Examiner

Fahd A. Obeid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/28/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Application

1. **Claims 1-4** are pending in this application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 recites the limitation "separating step". There is insufficient antecedent basis for this limitation in the claim.

Double Patenting Rejection

4. **Claims 1-4** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1-12** of copending Application **No. 10/708,566**. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Instant Claim**Claims in Application # 10/708,566**

1	1
2	3, 10, 11
3	3, 4, 5
4	12

5. Regarding Claim 1: claim 1 differ from claim 1 in the 10/708,566 application as follows:

- Receiving billing information is encompassed by the term of (receiving user information which includes billing information).
- Reading a business model file is encompassed by the term of (receiving user information which includes business model file);
- Comprising various business dimensions such as business processes and organizational information is encompassed by the terms of (user information includes billing information, application profile, or loyalty information).

6. Regarding Claim 2: claim 2 differ from claims 3,10, and 11 in the 10/708,566 application as follows:

- Business processes which is encompassed by the terms (total computer usage time, account, project, process, division, or accounts billed for the usage).
- Organizational information which is encompassed by the term (user information).

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- Associated business performance metrics which is encompassed by the term (computer usage time associated with each identifier, users associated with the computer usage, and processing power associated with each usage).

7. Regarding Claim 3: Claim 3 differ from claims 3, 4, and 5 in the 10/708,566 application as follows:

- Plurality of groups is encompassed by the term (user).
- Plurality of sub-groups is encompassed by the term (recognizing a user and assigning an identifier to said user).
- Determining costs incurred by each sub-group is encompassed by the term (allocating said technology resource billings).

8. Regarding Claim 4: claim 4 is identical to claim 12 in the 10/708,566 application.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (6,169,979).**

11. Regarding Claim 1: Johnson discloses a method for tracking costs incurred by an entity comprising a plurality of groups, said method comprising:

- Receiving billing information from a provider (fig 4, col 2 lines 1-10, and claim 1).
- Reading a business model file comprising various business dimensions within said entity (fig 3, col 2 lines 43-52, col 5 lines 12-24, col 26 lines 15-24, and claim 20).
- Allocating the billing information by the various business dimensions (such as conservation programs that classifies power and cost consumption to gas, electricity, and water; see col 2 lines 43-57).

12. Regarding Claim 2: Johnson discloses a method of claim 1 wherein said business dimensions comprise:

- Business processes (such as utility services, conservation programs, or customer's inventory see col 2 lines 43-46).
- Organizational information (customer information see fig 3 and col 5 lines 30-40).
- Associated business performance metrics (such as glazing rebate which provides a rebate on energy cost if the customer installs a particular film on windows to reduce power consumption; see col 2 lines 46-52 and col 5 lines 12-24).

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13. Regarding Claim 3: Johnson discloses a method of claim 2 wherein said organizational information includes:

- A plurality of groups, wherein one of said plurality of groups comprises a plurality of sub-groups (groups such as customer's utilities where the subgroups are power, gas, electricity, light, water, or steam; see col 2 lines 43-57).
- Said separating step further comprises determining costs incurred by each of said sub-groups (col 2 lines 43-57).
- Determining costs incurred by each of said groups (a conservation programs module stores information related to a utility company's energy; see col 4 lines 66-67, col 25 lines 1-24).

14. Regarding Claim 4: Johnson discloses a method of claim 1 wherein said reading step comprises:

- Determining the internal structure of the entity, including various groups and sub-groups within the entity (groups such as customer's utilities where the subgroups are power, gas, electricity, light, water, or steam; see col 2 lines 43-57).
- Determining the billing details of each group within the entity (col 13 lines 41-53, col 24 lines 52-55, and col 25 lines 52-55).
- Determining the value drivers of the entity (such as determining how various factors and parameters will affect the customer's utility consumption and cost; see abstract and col 26 lines 15-24).
- Determining application profiles of the entity (col 20 lines 25-50).

Citation Of Relevant Prior Art

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Reference (US 6,850,643) is cited to show monitoring accounts receivable, accounts payable, inventory, trading partners, chart of accounts, invoices, and payments of clients.
3. Reference (US 5,991,741) is cited to show an advanced software package for cost accounting and analysis, management reporting, performance assessment and decision support tool.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahd A. Obeid whose telephone number is 571-270-3324. The examiner can normally be reached on Monday to Friday 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on 571-272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahd obeid
Patent Examiner


AKM ULLAH
SUPERVISORY PATENT EXAMINER